

First named inventor: Anderson
Serial no. 09/940,360
Filed 8/27/2001
Attorney docket no. 10018309-1

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REMARKS

Claim rejections under 35 USC 112

Claims 1, 7, and 13 have been rejected under 35 USC 112, as failing to comply with the written description requirement, and as being indefinite, due to their inclusion of the limitation "faster than a user is capable of perceiving the window." Applicant has amended these claims to remove this limitation, and therefore asserts that this rejection is now moot.

Claim rejections under 35 USC 103

Claims 1-15 have been rejected under 35 USC 103(a) as being unpatentable over Fida International, Prolink User's Manual, in view of Polycom, ViaVideo User's Guide. Applicant contends that as amended, the claimed invention is not unpatentable over Fida in view of Polycom. Claims 1, 7, and 13 are independent claims, from which the remaining pending claims ultimately depend. Thus, all of the pending claims are patentable over Fida in view of Polycom.

Claims 1, 7, and 13 have been amended similarly, and therefore claim 1 is discussed herein as representative of claims 1, 7, and 13. Claim 1 has been amended such that the automatic installation mode for a device is suppressed "by *computer instructions executed by a processor of the computer* detecting and closing a window related to the automatic installation mode." Support for this added limitation is found within the patent application as originally filed as follows. The detection and closing of a window related to the automatic installation mode is described in relation to the method 500 of FIG. 5 of the patent application as filed. This figure is described as "show[ing] how one embodiment achieves the automatic hardware installation suppression of 404 of [the method 400 of] FIG. 4." Furthermore, the method 400 is described in the patent application as filed such that it "may be performed by execution of computer instructions by a processor of the computer from a computer-readable medium of the computer." Therefore, this amendment to the claimed invention satisfies 35 USC 112.

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Applicant submits that Fida in view of Polycom does not disclose the suppression of an automatic installation mode for a hardware device, by detecting and closing a window, where such window detection and closure is performed by "computer instructions executed by a processor of the computer," as to which the claimed invention is now limited. The Examiner particularly relies on Fida in disclosing the suppression of an automatic installation mode for a hardware device, by detecting and closing a window. Therefore, Applicant focuses on Fida not disclosing the suppression of an automatic installation mode by "computer instructions executed by a processor of the computer detecting and closing a window related to the automatic installation mode," such that Fida in view of Polycom does not disclose the claimed invention.

Fida only discloses the suppression of an automatic installation mode via *a user* detecting and closing a window related to the automatic installation mode, as opposed to *computer instructions executed by a processor of the computer* detecting and closing this window. In section 3.1.1, page 7 of Fida, the user is instructed to "click 'cancel' to exit from the new hardware installation wizard," where the new hardware installation wizard is an automatic installation mode for a hardware device. That is, the user has to click the cancel button on the window in order to suppress the automatic installation mode. As such, *the user* inherently detects the window *him or herself* – there are no computer instructions execution by a processor of the computer that performs this detection – and it is also *the user who* closes the window. Therefore, Fida in view of Polycom does not teach all the limitations of the claimed invention, since the claimed invention is limited to the suppression of the automatic installation mode by computer instructions executed by a processor of the computer detecting and closing a window related to the automatic installation mode.

Applicant further contends that Fida in view of Polycom could not be modified to teach the suppression of an automatic installation mode for a hardware device without user interaction. First, there is no suggestion or motivation to do so within the prior art. Both Fida and Polycom are inherently *user manuals*, such that they provide instructions as to what the user is to do in

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order to install and use the hardware device. However, suppressing the automatic installation mode by having computer instructions executed by a processor of the computer detect and close a window related to the automatic installation mode – i.e., such that the user does not have to do anything in this process – is inherently a subject that is antithetical to a *user manual*. That is, if the user does not have to detect and close the window related to the automatic installation mode, because the computer instructions executed by a processor of the computer itself detects and closes this window, then there is no sense in having a *user manual* teaching execution of such computer instructions to detect and close the window.

Second, modifying Fida in view of Polycom to yield automatic installation mode suppression, via computer instructions executed by a processor of a computer detecting and closing a window related to this mode, destroys the intended purpose and functionality of Fida in particular. Section 3.1.1 on page 7 of Fida clearly indicates that *the user* is to click the cancel button of the window related to the automatic installation mode to exit the mode, which is the principle of operation by which Fida achieves such suppression. That is, it is *the user* who is to inherently detecting the window and closing the window in Fida. Having automatic installation mode suppression without having to have the user detect the window related to this mode and click the cancel button on the window to close it, as would be accomplished by having computer instructions executed by a processor of the computer instead detect the window and close it, as in the claimed invention, goes against the principle of operation of Fida, and thus destroys its intended purpose and functionality.

Therefore, Fida in view of Polycom does not render claims 1-15, as have been amended, unpatentable.

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Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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